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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/708,898	11/08/2000	Roni Even	ACC3(6544.107870)	3103
29855	7590	05/16/2006	EXAMINER	
WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI, P.C. 20333 SH 249 SUITE 600 HOUSTON, TX 77070			WON, MICHAEL YOUNG	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/708,898

Applicant(s)

EVEN ET AL.

Examiner

Michael Y. Won

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 65-73 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 65-73 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is in response to the amendment filed March 3, 2006.
2. Claims 1-22, 24, and 49-63 have been cancelled and new claims 65-75 have been added.
3. Claims 65-75 have been examined and are pending with this action.

### ***Claim Objections***

4. The numbering of claims is not in accordance with 37 CFR 1.126. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 67-73 (claim numbers 67 and 68 has been used twice for two different claims) has been renumbered 69-75.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

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art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 70 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Although on page 11, lines 7-12, the specification discloses using a browser, the use of the browser is to interact with the API such that a client may perform tasks.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 65-75 are rejected under 35 U.S.C. 103(a) as being unpatentable Semaan (US 5,680,392 A) in view of Sreenan (Us 5,742,772 A).

#### **INDEPENDENT:**

As per **claim 65**, Semaan teaches an apparatus for controlling a plurality of multipoint control units (MCUs) (see Fig.2, #130a & #130b and col.6, lines 28-35), comprising:

a database adapted to store capability factors for the plurality of MCUs (implicit: see col.6, lines 49-54 and lines 62-64: “update **their** MCU resource files”);

the apparatus adapted to:

receive and store information input by the operator using the first API concerning the capability factors for the plurality of MCUs (implicit: see col.6, lines 62-64: “update **their** MCU resource files”);

evaluate capability factors of at least two multimedia terminals (see col.9, lines 39-55);

compare the capability factors of at least two multimedia terminals to the capability factors of the MCUs (see col.10, lines 26-34 and lines 54: “desired acceptance algorithm”); and

responsive to the comparing of capability factors, direct a communicative interconnection using the second API between the at least two multimedia terminals via at least two of the plurality of MCUs (see col.10, lines 39-63).

Semaan does not explicitly teach of a first application program interface (API) adapted to allow an operator to communicate with the apparatus using a web browser; and a second API adapted to allow the apparatus to communicate with a plurality of MCUs.

Sreenan teaches of a first application program interface (API) adapted to allow an operator to communicate with the apparatus (see col.3, lines 53-59) using a web browser (implicit: see Semaan: col.3, lines 20-22); and a second API adapted to allow the apparatus to communicate with a plurality of MCUs (see col.3, lines 59-62).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Sreenan within the system of Semaan by implementing API's within the apparatus for controlling a plurality of multipoint control units (MCUs) for communication because API's allows application to access the system and Semaan teaches of user reservation application (see col.10, line 16-17), MCU reservation application (see col.10, line 26-28), and server reservation application (see col.10, line 35-39) which collectively attempt to establish a reservation.

As per **claim 71**, Semaan teaches a method for multimedia communication, comprising:

communicatively interconnecting a plurality of multipoint control units (MCUs) to a central controller capable of scheduling and hosting a video conference (see Fig.2; Fig.2a; and col.3, lines 48-56; col.3, line 63-col.4, line 11; and col.9, lines 10-17) and allocating conferences on the MCUs such that the number of conferences that can be scheduled on a conference schedule is optimized (implicit: see col.5, lines 15-20);

identifying capability factors for each of the plurality of multimedia terminals (see col.9, lines 39-55) and each of the plurality of MCUs (see col.10, lines 26-34);

responsive to a command to initiate a multimedia communication between at least two of the plurality of multimedia terminals (see col.6, lines 8-13 and lines 44-54), evaluating the capability factors for each of the at least two multimedia terminals (see col.9, lines 39-55); and

comparing the capability factors for each of the at least two multimedia terminals to the capability factors of the multipoint control units communicatively interconnected to the central controller to determine a preferred interconnection between the at least two multimedia terminals (see col.10, lines 26-34 and lines 54: "desired acceptance algorithm");

responsive to the comparing of capability factors, the central controller directing a communicative interconnection between the at least two multimedia terminals via at least one the plurality of multipoint control units (see col.6, lines 20-26); and

controlling multipoint control unit participant slots with the central controller, wherein the central controller controls the MCU participant slots as if it were an additional slot (see Fig.5; Fig.6; and col.5, lines 14-20);

Semaan does not explicitly teaches that the central controller comprising a first application program interface (API) adapted to allow an operator to communicate with the apparatus using a web browser and a second API adapted to allow the apparatus to communicate with a plurality of MCUs.

Sreenan teaches of a first application program interface (API) adapted to allow an operator to communicate with the apparatus (see col.3, lines 53-59) using a web browser (implicit: see Semaan: col.3, lines 20-22) and a second API adapted to allow the apparatus to communicate with a plurality of MCUs (see col.3, lines 59-62).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Sreenan within the system of Semaan by implementing API's within the apparatus for controlling a plurality of multipoint control

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units (MCUs) for communication because API's allows application to access the system and Semaan teaches of user reservation application (see col.10, line 16-17), MCU reservation application (see col.10, line 26-28), and server reservation application (see col.10, line 35-39) which collectively attempt to establish a reservation.

**DEPENDENT:**

As per **claim 66**, which depends on claim 65, Semaan further teaches wherein the capability factors include identification factors, matching factors, and routing factors (see col.10, lines 39-63).

As per **claim 67**, which depends on claim 66, Semaan further teaches wherein the identification factors include information relating to the identity, needs, requirements, and participation authority of the plurality of multimedia terminals (see col.5, lines 52-58 and col.6, lines 8-13).

As per **claim 68**, which depends on claim 66, Semaan further teaches wherein the matching factors include information relating to the capacity and technological orientation (see col.10, lines 60-63).

As per **claim 69**, which depends on claim 66, Semaan further teaches of wherein the routing factors include information relating to the most expeditious route for effecting the communicative interconnection between the at least two multimedia terminals and the corresponding multipoint control units (implicit: see col.6, lines 8-13: "resources necessary for the conference"; and col.6, lines 20-43).



As per **claim 70**, which depends on claim 65, Semaan further teaches wherein the capability factor for the plurality of MCUs is entered by the operator using the web browser (inherent).

As per **claim 72**, which depends on claim 71, Semaan further teaches wherein the conference schedule is optimized by combining conferences on a MCU so as to maximize the number of participants on the MCU (see col.5, lines 14-20).

As per **claim 73**, which depends on claim 71, Semaan further teaches wherein the MCU participant slots are participant slots remaining after the MCU is optimally scheduled (implicit: see col.5, lines 14-20).

As per **claim 74**, which depends on claim 71, Semaan further teaches wherein the command to initiate a multimedia communication is issued when the start time for a conference arrives (see col.6, lines 8-13).

As per **claim 75**, which depends on claim 71, Semaan further teaches wherein the command to initiate a multimedia communication is issued when a participant requests an impromptu multimedia communication (see col.6, lines 8-13).

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 65-75 regarding API's have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y. Won whose telephone number is 571-272-3993. The examiner can normally be reached on M-Th: 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Won



May 5, 2006



SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER